



## Board Direction

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**Ref: PL04.245998**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12<sup>th</sup> May 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

### REASONS AND CONSIDERATIONS

In making its decision the Board had regard, inter alia, to the following:

- (a) the Environmental Impact Statement prepared for the application,
- (b) the Appropriate Assessment Screening report prepared for the application
- (c) the character and nature of the application site,
- (d) the location, scale and form of the existing and proposed development,
- (e) the proposed means to control and mitigate emissions arising from the development,
- (f) the policies of the planning authority in respect of extractive industry, landscape character and heritage,
- (g) the pattern of development in the vicinity; and
- (h) the report of the Inspector.

#### *Appropriate Assessment Screening*

The Board carried out a screening exercise in relation to potential impacts on nearby European sites, specifically the Great Island Channel SAC and the Cork Harbour SPA, and having regard to the nature and scale of the proposed development, the nature of the receiving environment, the screening report submitted, the submissions on file and the report of the

Inspector which the Board has adopted in relation to Appropriate Assessment, the Board concluded that, on the basis of the information available, the proposed development would not be likely to have a significant effect on any European site, either individually or in combinations with other plans and projects

### *Environmental Impact Assessment*

The Board considered that the Environmental Impact Statement submitted with the application, supported by the further information submitted to the planning authority, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct, indirect and cumulative effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and generally agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the proposed development would not be likely to have significant effects on the environment.

### *Conclusions*

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health or would not pose an unacceptable risk of environmental pollution. The proposed development would, therefore, be in accord with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans submitted on the 15<sup>th</sup> day of October 2015 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The duration of the permission shall be for 5 years from the date of this grant of permission and quarry output shall not exceed 200,000 tonnes of stone annually. The development of the quarry shall be in accordance with "Scenario 1" option presented in the application documents.

**Reason:** In the interest of clarity and orderly development. .

3. No excavation, blasting or any other works within the site may take place within 1 metre of the groundwater table and in any case no lower than 5.8m AOD.

**Reason:** In the interest of the protection of groundwater resources.

4. The quarry shall be operated between the hours of 07:00 and 18:00 hours, Monday to Friday, between 07:00 to 14:00 hours on Saturday and at no time on Sundays or bank holidays or other public holidays.

**Reason:** In the interest of residential amenity.

5. All of the environmental, construction and ecological mitigation measures associated with Scenario 1 set out in the EIS and other particulars submitted with the application and as amended in the FI submitted by the developer shall be implemented in conjunction timelines set out in the foregoing, except as may otherwise be required in order to comply with this order.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.

6. (a) The buffer zone to the northwestern boundary of the site shall be increased to 20m.  
  
(b) The proposed excavated areas shall incorporate stepped or sloping edges.

Prior to the commencement of development a revised extraction plan and associated drawings shall be submitted for the written agreement of the PA making provision for the above changes.

**Reason:** In the interest of public safety, visual amenity and ecological protection.

7. The applicant shall complete all works in the vicinity of the gas transmission pipeline in full accordance with the "2011 Code of Practice on Safety Advice for Working in the Vicinity of Natural Gas Pipelines", published by Gas Networks Ireland.

**Reason:** In the interest of protecting nearby gas transmission pipeline.

8. NOISE A

9. (a). Blasting operations shall take place only between 10:00 hours and 16:00 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays. Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense by an independent contractor who shall be agreed in writing with the planning authority.

(b). Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.

**Reason:** In the interests of public safety and residential amenity.

10. Lighting shall be in accordance with a scheme, which shall be designed to minimize glare and light pollution, and which shall be submitted for the written agreement of the planning authority prior to commencement of development.

**Reason:** In the interest of residential amenity and public safety.

11. Dust deposition levels during the operation of the quarry shall not exceed 350 mg/m<sup>2</sup>/day when measured at the site boundaries and averaged over 30 days. Monitoring of dust deposition shall be carried out in accordance with the requirements of the Planning Authority.

**Reason:** To protect the residential amenities of the area.

12. SEPTIC1

13. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

14. Within three months from the date of this order and prior to the commencement of development, the developer shall submit to the planning authority for written agreement a proposal for an Environmental Management System (EMS) for the facility. The Environmental Management System shall include the following: -

- (a) Proposals for refuelling of plant/machinery including emergency action in the event of accidental spillage.
- (b) Monitoring of ground water.
- (c) Monitoring of dust and or noise at the application site boundaries.
- (d) Full details of site manager, contact numbers (including out of hours) and public information signs on the entrance to the facility.
- (e) Details of the implementation of all mitigation measures set out in the Environmental Impact Statement accompanying the planning application for the development, as amended by FI;
- (f) Monitoring and frequencies reports shall be in accordance with the requirements of the planning authority. An Annual Environmental Report showing detailed results of all monitoring shall be submitted to the planning authority each year.

**Reason:** In the interest of orderly development, public safety and to safeguard local amenities.

15. Storage tanks shall be inspected by a chartered engineer and certified as structurally sound for the purpose they were intended and at five year intervals thereafter.

**Reason:** In the interest of public health and to prevent water pollution.

16. Prior to commencement of development, a landscaping scheme shall be submitted to the planning authority for written agreement. The scheme shall include for the planting of two rows of hawthorn/blackthorn/holly hedging along the new road boundary; it shall provide details of all existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

**Reason:** In the interest of visual amenity and protecting residential amenities.

17. Archaeological Monitoring shall consist of the following;

- (a) The Developer shall engage the services of a suitably qualified Archaeologist licensed under the National Monuments (Amendment) Acts, 1930 – 2004, to monitor all topsoil stripping associated with the development.

(b) Should archaeological material be found during the course of monitoring, the Archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The Developer shall be prepared to be advised by the Local Authority with regard to any necessary mitigating action (e.g. preservation *in situ*, and/or excavation). The Developer shall facilitate the archaeologist in recording any material found.

(c) The Planning Authority shall be furnished with a report describing the results of the monitoring.

**Reason:** To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

18. As per Inspector's c.17 (invasive species)

19. Within three months of the date of grant of this permission, the Developer shall lodge with Cork County Council a cash deposit, a bond of an insurance company, or other security to secure the satisfactory completion of the and the associated on-going continued maintenance of the closed-out quarry, coupled with an agreement empowering the Council to apply such security or part thereof for the satisfactory rehabilitation, closure or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination. The amount of the fund shall, at all times, be sufficient to meet the costs of rehabilitation of all works and the subsequent on-going maintenance of the property to the satisfaction of the Planning Authority.

**Reason:** To ensure the satisfactory completion and the continued ongoing maintenance of the development.

20. S.48 Unspec.

Note:

The Board noted the Inspector's proposal to set a floor to the excavation at 6.8m AOD but considered that a condition as framed herein (condition 3) would be more appropriate to address the issue in view of the groundwater level data and the location of the wells.

Board Member: \_\_\_\_\_ Date: 12<sup>th</sup> May 2016  
G.J. Dennison

